In the High Court of Uttaranchal, at Nainital.

Criminal Misc. Application No. 477/2006

1- Mamtesh Sharma S/o Manohar Lal Sharma
R/o 7, Nehru Nagar Roorkee, P.S. Gangnahar,
Roorkee, District Haridwar.

2- Atul Sharma S/o Radha Ram Sharma
R/o 10 Nehru Nagar, P.S. Gangnahar
Roorkee, District Haridwar ... Applicants.

Versus

1- State of Uttaranchal,

2- Second Addl. Civil Judge (JD) Roorkee
District Haridwar.

3- Jogendra Kumar S/o Rati R/o Village Khajori
P.S. Jhabrera District Haridwar, presently
Posted as Peshkar S.D.M. Court
Roorkee, District Haridwar .....Respondents.

Sri Naveneet Kaushik, holding brief for Sri Vipul Sharma,
Learned counsel for the applicants.
Sri G.S. Sandhu, learned A.G.A. for the State.

Hon'ble B.C. Kandpal, J.

This petition U/S 482 Cr.P.C. has been filed by the petitioners for quashing the charge sheet dated 26-6-2006 and the subsequent proceedings in the form for summoning order dated 26-6-2006, passed by II Additional Civil Judge (J.D.) Roorkee, U/Ss 352, 353, 504, 506 I.P.C. in case No. 86/2006 State Versus Mamtesh Sharma and others.

2- Heard learned counsel for the applicants, learned A.G.A. and perused the record.

3- Annexure-3 contained with the petition shows that the charge sheet was filed against the petitioners

U/Ss 352, 353, 504, and 506 I.P.C. and Section 3 (1) (X) of S.C. and S.T. Act.

4- The first information report, which is contained as Annexure-2 to this petition, discloses the prima facie case against the petitioners. The trial court after applying its mind summoned the petitioners to face the trial. It is settled principle of law that the detailed reasoning for passing the summoning order is not needed and the further proceedings in the case cannot be disturbed on that ground alone. I do not find any serious miscarriage of justice and misuse of the process of court. I also do not find that any material mandatory provision of law has not been complied with by the court below. The power U/S 482 Cr.P.C. is not to be exercised to stifle a legitimate prosecution. I am not supposed to deliver a premature decision in a case where the entire facts are extremely incomplete amd jazu, more so when the evidence has not been concluded and produced before the court as yet and the issues involved cannot be seen in their true perspective without having sufficient material on record. I am also not to assume the role of a trial court and embark upon the enquiry as to the reliability of the evidence and sustainability of the accusation on a reasonable appreciation of such evidence.

4- The petition thus lacks merit and is liable to be dismissed.

5- Accordingly the petition is dismissed.

(B.C. Kandpal, J.)

Dated: 06-07-2006
ISB